

LIFTS AND ESCALATORS (SAFETY) ORDINANCE (Chapter 327)

It is hereby notified that the Registered Lift Contractor Disciplinary Board under section 11G of the Lifts and Escalators (Safety) Ordinance (Chapter 327) conducted an inquiry on 25 January 2011 and 24 May 2011 and was satisfied that ThyssenKrupp Elevator (HK) Limited was guilty of misconduct and negligence under the Lifts and Escalators (Safety) Ordinance (Chapter 327) in connection with the following charges:—

- (1) Being a registered lift contractor engaged to carry out the lift works at Shin Nga House, Fu Shin Estate, Tai Po, New Territories, the Respondent was convicted of the offence of failure to carry out the lift works, contrary to sections 11J(1)(d), 27H and 28(3)(a) of the Lifts and Escalators (Safety) Ordinance (Chapter 327), in STS No. 3899 of 2009 in Shatin Magistrates' Courts on 30 September 2009;
- (2) Being a registered lift contractor engaged to carry out the lift works at the respective locations and dates stated below, in carrying out the lift works thereof:—
 - (a) Failed to enter or to cause to be entered into the log book details or correct details of the lift works carried out, in that no or no correct details of the lift works carried out from around 11.34 a.m. to around 11.45 a.m. on 25 October 2008 in respect of Lift No. 32 at Shin Nga House, Fu Shin Estate, Tai Po, New Territories were entered into the log books thereof, in breach of the Respondent's duties under section C: Clauses 7.2 and 7.3 of the Code of Practice for Lift Works and Escalator Works;
 - (b) Failed to keep the lifts and accessories in good working order in breach of the Respondent's duties under either one or more of sections 11J(1)(b), 11J(1)(d) and 27H of the Lifts and Escalators (Safety) Ordinance (Chapter 327) and section C: Clause 4.5.1 of the Code of Practice for Lift Works and Escalator Works, in that:—
 - (i) the suspension ropes for each of Lift No. 7 at Cheung Lai House and Lift No. 10 at Cheung Chung House of Cheung Wah Estate, Fanling, New Territories, whilst under the Respondent's maintenance had been rusty which was found out subsequently upon inspection on 22 January 2009 after the Respondent's maintenance responsibility was taken over with effect from 1 December 2008;
 - (ii) the suspension ropes for Lift No. 6 at Cheung Chi House of the said Cheung Wah Estate, whilst under the Respondent's maintenance had been rusty which was found out subsequently upon inspection on 22 January 2009 after the Respondent's maintenance responsibility was taken over with effect from 1 December 2008; and
 - (iii) the suspension ropes for each of Lift No. 8 at Cheung Fung House, Lift No. 12 at Cheung Yue House, Lift No. 13 at Cheung Shun House and Lift No. 16 at Cheung King House of the said Cheung Wah Estate, whilst under the Respondent's maintenance had been rusty which was found out subsequently upon inspection on 8, 9, and 12 January 2009 after the Respondent's maintenance responsibility was taken over with effect from 1 December 2008;
 - (c) Failed to enter or cause to be entered into the log books details or correct details of the lift works carried out, in that the periodic examination and testing details in respect of Lifts Nos. 23 and 24 at Hunghom Bay Centre, 92–112 Baker Street, Hung Hom, Kowloon during the period from March to August 2009 were not properly recorded and reported to the Director of Electrical and Mechanical Services, in contravention of either one or both of sections 21 and 23(1)(a) of the Lifts and Escalators (Safety) Ordinance (Chapter 327) and hence in breach of the Respondent's duties under section 27H of the same Ordinance and section C: Clauses 7.2 and 7.3 of the Code of Practice for Lift Works and Escalator Works;
 - (d) Failed to keep the lifts and accessories in good working order, in that the suspension ropes for each of Lifts Nos. 1 and 2 at Tai Wah Mansion, 130–140 Electric Road, Hong Kong were found to be rusty/corroded on 16 January 2010 and 25 January 2010 and the car door mechanical locks for each of the said Lifts Nos. 1 and 2 were ineffective on 25 January 2010, in breach of the Respondent's duties under either one or more of sections 11J(1)(b), 11J(1)(d) and 27H of the Lifts and Escalators (Safety) Ordinance (Chapter 327) and section C: Clause 4.5.1 of the Code of Practice for Lift Works and Escalator Works.

The Disciplinary Board ordered that ThyssenKrupp Elevator (HK) Limited:—

- (1) Be fined \$50,000 for the misconduct or negligence under Charge (1) and \$40,000 under Charge (2) under section 11G(2) of the Lifts and Escalators (Safety) Ordinance (Chapter 327);
- (2) Should pay the costs of the proceedings incurred by the Department of Justice, the Director of Electrical and Mechanical Services and the Disciplinary Board in the total sum of \$334,635; and
- (3) The order made above be published in the *Gazette*.

5 August 2011

YEUNG Kin-kee *Chairman,*
Registered Lift Contractor Disciplinary Board